

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)

Case No: 4:04-335-002 (TLW)

)

USM No: 11032-171

-versus-)

Pro se

)

Defendant's Attorney

Thurman Lowery, Jr.)

)

Date of Previous Judgment: January 12, 2010)*(Use Date of Last Amended Judgment if Applicable)*)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is **DENIED** (Doc. # 133). This case does not qualify because the mandatory minimum overrides the guidelines. Defendant's guideline range, while it was lowered under Amendment 706, is unaffected by Amendment 750.

IT IS SO ORDERED.

Order Date: February 13, 2012s/ Terry L. Wooten*Judge's signature*

Effective Date:

*(if different from above)*Terry L. Wooten, United States District Judge